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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/708,269 | OLSSON ET AL. | |
| | Examiner | Art Unit | |
| | Thai-Ba Trieu | 3748 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 01/18/2007.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

This Office Action is in response to the Amendment filed on January 18, 2007. Applicant's cooperation in correcting the informalities in the specification is appreciated. Applicant's cooperation in amending the claims to overcome the claim rejections relating to indefinite claim language is also appreciated.

Claim 1 was amended.

Terminal Disclaimer

The Terminal Disclaimer filed on January 18, 2007 has been approved.

EXAMINER'S AMENDMENT

The application has been amended as follows:

- In claim 3, line 1, "**regulator**" after "**the exhaust pressure**" has been replaced by -- **regulation means** -- (for consistency of claims).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or renders obvious the claimed combination of a method for providing stress-limited engine braking control a turbo-compound type internal combustion engine and a turbo-compound type internal combustion engine having an exhaust system for ducting the engine's exhaust gases and including a supercharger turbine that drives a compressor for combustion air to the engine; an exhaust turbine located in the

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exhaust system downstream of the supercharger turbine and configured to extract residual energy from an exhaust flow of the engine, via transmission to the combustion engine's crank shaft; the exhaust system further comprises an exhaust braking throttle placed downstream of the exhaust turbine; and the exhaust braking throttle comprising:

" Regarding claim 1:

a pressure-controlled exhaust pressure regulation means for enabling variable regulation of an exhaust braking pressure in at least one through-put setting in addition to steps "off" and "on," the exhaust pressure regulation means being provided with means for adapting the exhaust braking pressure to the engine speed.

Regarding claim 10:

variably controlling the configuration of the exhaust braking throttle utilizing a pressure-controlled exhaust pressure regulator that causes variable configuration of the exhaust braking throttle in dependence upon the currently occurring engine speed."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Anderson et al. (US Patent Number 6,810,850 B2) disclose an apparatus and control for variable exhaust brake.
- Persson (US Patent Number 6,085,524) discloses a device for regulating the engine braking power of an internal combustion engine.

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- Arndt et al. (Pub. Number WO 2006/072339 A1) disclose a method for operating an internal combustion engine with an exhaust gas turbocharger and a useful turbine.
- Hakansson (Pub. Number DE 197 43 751 A1) discloses a turbo-compound combustion engine for motor vehicle..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
February 13, 2007



Thai-Ba Trieu
Primary Examiner
Art Unit 3748